THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2771 of 2007

Dated: 16-03-2007

Between:

1. Samatha Dinavethana Cooleela Sankshema Sangam, rep.by its Secretary, Karimnagar, and others.

..... PETITIONERS

AND

The District Collector, Karimnagar, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

Samatha Dinavethana Cooleela Sankshema Sangam, Chintakunta Village, Karimnagar Mandal and District is first petitioner. Petitioners 2 to 74 are its members. It is alleged that first petitioner association was formed in the welfare of its one hundred and ten (110) members belonging to scheduled caste and backward classes and who are eking out a livelihood by daily labour or doing petty jobs like driver, painter etc.,. They are residents of Chintakunta Village except a few who are residing in Karimnagar town. First petitioner association purchased land admeasuring Acs.2.00 comprised in survey No.439/4 from Pattem Thirupathi, S/o late Mallaiah under unregistered sale deeds on 10.03.2002 for a consideration of Rs.2,00,000/-. This money was contributed by seventy-five members. First petitioner association was also in possession of the land. Third respondent, namely, the Mandal Revenue Officer (MRO), initiated steps for resuming the land. Accordingly proceedings No.B/1580/2006 dated 03.10.2006 were issued by MRO for resumption of land directing the Mandal Revenue Inspector to take possession. The petitioners approached first respondent and gave a representation on 21.12.2006 requesting to drop the resumption proceedings. Even while the same is pending, respondents 2 and 3 are trying to dispossess the petitioners. Therefore, they filed instant writ petition.

At the stage of admission itself, MRO (now re-designated as Tahsildar) filed a counter-affidavit. It is alleged that land in survey No.439/4 was assigned to Pattem Mallaiah in 1967 for the purpose of agriculture. As per the conditions of assignment whenever the land is required for public purpose, it is liable for resumption by the Government. Accordingly so as to provide house sites, the land was resumed and the Government is in custody. Before resuming the land, notice was issued to Pattem Tirupathi, who is the son of the original assignee, Mallaiah. Said Tirupathi filed objections on 09.05.2006, considering which, resumption order was passed on 03.10.2006. First respondent considered the representation of first petitioner association dated 21.12.2006 and forwarded the same to MRO who orally informed first petitioner association that it is not possible to regularize purchase of Government land. It is stated that MRO has no objection for providing house site pattas in any Government land or acquired land to the petitioners if they are eligible under Integrated Novel Development In

Rural Areas and Model Municipal Areas (INDIRAMMA) program.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment). There is no denial that the land in survey No.439/4 is assigned land. There is also no denial that first petitioner association purchased the assigned land under unregistered sale deeds. When once the conditions of assignment, *inter alia,* provide for resumption of the land for public purpose, the petitioners or their vendor cannot have any objection, especially when resumption order was preceded by notice to the legal heir of the original assignee. What remains is the provision of house sites to petitioners 2 to 74, who alleged that they are landless and poor persons though they are doing petty private jobs and as labour. Now that MRO made an averment in his sworn affidavit that the revenue officials have no objection to consider the cases of the eligible persons, first petitioner association may approach MRO and give all details of its members. In such an event, MRO shall take necessary steps to allot house sites to all eligible landless poor persons satisfying other conditions of suitability either under INDIRAMMA programme or any other Government scheme as per assignment rules. Three weeks time from today is given to first petitioner association to approach MRO and furnish details. As and when such details are furnished, MRO may pass orders and communicate the same to first petitioner association within a period of four weeks thereafter.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

16th March, 2007

Note: Issue CC in 21.03.2007

B/o

ghn